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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com

Office Action Summary	Application No. 10/743,204	Applicant(s) JANSSEN, CRAIG N.
	Examiner FREDA A. NELSON	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 October 2010.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-5,7-24 and 26-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-5,7-24 and 26-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-878)

3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No./Mail Date _____

4) Interview Summary (PTO-413)
 Paper No./Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

The amendment received on 29 October 2010 is acknowledged and entered. Claims 1, 5, 7, 10-11, 13, 15-18, 20, 22, 24, and 27-28 have been amended. Claims 2, 6, and 25 have been cancelled. No claims have been added. Claims 1, 3-5, 7-24, and 26-34 are currently pending.

Response to Amendment and Arguments

1. Applicant's arguments filed 29 October 2010 have been fully considered but they are not persuasive.
2. Applicant's amendments filed 17 February 2009, with respect to the rejection of claims 24 and 26-31 under 35 U.S.C. 101 has been withdrawn due to the Applicant's amendment.

In response to Applicant's argument that in regards to claim 1, the cited references do not describe that the "schedule includes a plurality of phases and any construction project may be performed in any phase. Generating the schedule includes receiving from a user, for each construction project, an identification of a phase during which the construction project is to be performed", The Examiner asserts that Parr discloses the system includes a computer system to monitor, track, and indicate progress through each of the *phases*, activities, processes, and *tasks of a given construction project*. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. *The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system (abstract)*.

Parr further discloses a schedule is developed to incorporate the following features: overall Master Schedule, outlines, and milestones. Milestones should reflect the owner's expectations; expectations should reflect reality. The schedule reflects the stages of the project process, including for example pre-construction feasibility, design, construction, building, outside influences, infrastructure move-in, close out, and post-construction facility management. Other team members also should be involved for

input and verification [0057]; and *the schedule that is developed above should be cost loaded for each discipline to provide the appropriate cash flow. Cash flow projections are generated by the completion of the cost loaded schedules and should be compared to financing strategies.* Issues identified in the project definition phase should be qualified and costed. The baseline of assumptions used to develop the parametric cost model are then challenged by running "what if" scenarios to incorporate any issues considered critical to final project definition. The owner's decision maker(s) should be presented at a "what if" planning meeting so that real decision-making can occur [0058]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability to customize phases, tasks, and activities of a construction project as taught by Parr in order to get a more accurate schedule since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

3. In response to Applicant's argument that claims 1, 15, 22, and 24 (and their dependent claims) are patentable over them cited references, the Examiner respectfully disagrees for reasons stated above regarding claim 1.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 5 recites the limitation "the host computer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3-5, 8-9, 13-16, 18, 20-22, 24, 26, 28, 30-31 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al. (US 6,154,730)*, in view of *Christianitytoday.com*, in further view of *Hertzel-Szabadi (US PG Pub. 2003/0233267)*, in view of *Parr (US PG Pub. 2003/0135401)*, still in further view of *Churchgrowthsoftware.com*, still in further view of *Rifaat (US PG Pub. 2002/0147623)*.

8. **As per claim 1**, *Adams et al.* disclose a method performed in a computer, the method comprising:

storing, in the computer, information identifying a plurality of facilities in a complex, each facility associated with a different one of a plurality of phases and one or more of the construction projects (col. 1, lines 41-44; col. 3, lines 38-57);

determining, in the computer, a potential revenue associated with at least one of the facilities (abstract; col. 1, lines 46-51);

determining, in the computer, a cost associated with at least one of the facilities (col. 1, lines 46-51); and

wherein the processor is configured to output the results of the previous steps onto a computer readable medium (col. 4, lines 32-47).

Adams et al. does not expressly disclose wherein the complex comprises a church and at least one of the facilities comprises an auditorium of the church; and

wherein determining, the potential revenue comprises: estimating future growth in a number of people attending church services at the church.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1) {Which the Examiner interprets as estimating growth will be at least twice the number of current people attending church services} ; a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al., in view of *Christianitytoday.com* does not explicitly disclose generating, in a computer, a schedule of the construction projects using the identified potential revenue and the identified cost. *Hertzel-Szabadi* discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life cycle of the project 105 (paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Hertzel-Szabadi* in order to give reasonable and reliable

construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al., in view of Christianitytoday.com, in view of Hertzel-Szabadi does not explicitly disclose wherein the schedule comprises a plurality of phases and one or more of the construction projects may be performed in any phase, wherein generating a schedule comprises comprising, for each of the one or more construction projects, receiving from a user an identification of one of the plurality of phases during which the respective construction project is to be performed, would occur.

Parr discloses the system includes a computer system to monitor, track, and indicate progress through each of the *phases, activities, processes, and tasks of a given construction project*. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. *The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system (abstract)*. Parr further discloses a schedule is developed to incorporate the following features: overall Master Schedule, outlines, and milestones. Milestones should reflect the owner's expectations; expectations should reflect reality. The schedule reflects the stages of the project process, including for example pre-construction feasibility, design, construction, building, outside influences, infrastructure move-in, close out, and post-construction facility management. Other team members also should be involved for input and verification [0057]; and *the schedule that is developed above should be cost loaded for each discipline to provide the appropriate cash flow. Cash flow projections are generated by the completion of the cost loaded schedules and should be compared to financing strategies*. Issues identified in the project definition phase should be qualified and costed. The baseline of assumptions used to develop the parametric cost model are then challenged by running "what if" scenarios to incorporate any issues considered critical to final project definition. The owner's decision maker(s) should be presented at a "what if" planning meeting so that real decision-making can occur [0058]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the

ability to customize phases, tasks, and activities of a construction project as taught by Parr in order to get a more accurate schedule since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Adams et al. in view of *christianitytoday.com*, in view of *Hertzl-Szabadi*, in further view of *Parr* does not explicitly disclose estimating an amount of donations given to the church during a future time period wherein the estimated amount of donations is based at least in part on the estimated future growth in the number of people attending the church services.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Churchgrowthsoftware.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al. in view of *Christianitytoday.com*, and further in view of *Hertzl-Szabadi*, in view of *Parr*,, and still in further view of *Churchgrowthsoftware.com* does not explicitly disclose wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses a past growth rate of the church and a potential growth rate of the church.

Rifaat discloses expansion of the span of time covered by a study is next considered. The collection of historical data, and their analysis, can be extended backward to cover past conditions starting from the time of initial inceptions of human settlement in the area of study, or even to earlier pristine conditions. This usually provides ‘insights’ that could be ‘used’ in conceiving schemes for future development. Also, the planning horizon may be extended forward in time beyond 20 years. Although prediction tends to be ‘more tenuous’ for ‘longer’ periods of time in the future, the exercise of projecting prevailing trends can be used to ‘highlight’ potential ‘problems’ .

For example one could project population growth for the next 50 years at a certain prevailing rate, although the rate is not expected to continue that long. This is often done in order to illustrate the potential `adverse` conditions that might materialize if the particular rate of growth continued ([0050]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability of projecting a potential growth rate by studying growth before implementing a future development.

9. **As per claim 3,** *Adams et al.* does not explicitly disclose wherein determining the cost associated with at least one of the facilities comprises:

identifying a size of at least one of the facilities based on the estimated future growth in attendance; and

determining a cost of at least one of the construction projects based on the identified size.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1); a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of *Christianitytoday.com* in order to determine how large a new facility should be built and the funds needed for the construction.

10. **As per claim 4,** *Adams et al.* does not explicitly disclose wherein identifying the size of the at least one facility comprises identifying a plurality of sizes for the at least one facility.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1); a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of *Christianitytoday.com* in order to determine how large a new facility should be built and the funds needed for the construction.

11. **As per claim 5,** *Adams et al.* disclose the method of claim 1, wherein identifying the plurality of facilities comprises receiving in the host computer an identification of the facilities from a user (abstract).

12. **As per claim 8,** *Adams et al.* does not explicitly disclose wherein determining the potential revenue associated with at least one of the facilities comprises identifying potential donations to be received during one or more fund-raising campaigns.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of Christianitytoday.com in order to give

reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

13. **As per claim 9, Adams et al.** disclose the method of claim 8, further comprising: identifying an amount borrowing needed pay for the construction projects (col. 2, lines 51-56); and identifying an amount of debt to be paid off each year (col. 3, lines 26- 36).

14. **As per claim 13, Adams et al.** discloses the method of Claim 1, wherein the determined potential revenue associated with at least one of the facilities and the determined cost associated with at least one of the facilities are used to estimate a cash flow.

Adams et al. does not explicitly disclose the cash flow is used to generate the schedule.

Hertzel-Szabadi discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life cycle of the project 105 (paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Hertzel-Szabadi* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

15. **As per claim 14, Adams et al.** discloses the method of Claim 1, wherein the determined cost associated with at least one of the facilities comprises at least one of

operating costs, general and administrative expenses, construction costs, and staffing costs associated with at least one of the facilities (abstract).

16. **As per claim 15, Adams et al.** disclose a system, comprising:

memory operable to store information identifying a plurality of facilities in a complex, each facility associated with a different one of a plurality of construction projects (col. 1, lines 41-44; col. 3, lines 38-57); and an analysis module operable to:

determine a potential revenue associated with at least one of the facilities (col. 1, lines 41-44; col. 3, lines 38-57);

determine a cost associated with at least one of the facilities (col. 3, lines 2-19).

Adams et al. does not expressly disclose wherein the complex comprises a church and at least one of the facilities comprises an auditorium of the church.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1) {Which the Examiner interprets as estimating growth will be at least twice the number of current people attending church services} ; a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al., in view of *Christianitytoday.com*, in view of *Hertzel-Szabadi* does not explicitly disclose wherein the schedule comprises a plurality of phases and one or

more of the construction projects may be performed in any phase, wherein generating a schedule comprises comprising, for each of the one or more construction projects, receiving from a user an identification of one of the plurality of phases during which the respective construction project is to be performed, would occur.

*Parr discloses the system includes a computer system to monitor, track, and indicate progress through each of the *phases*, activities, processes, and *tasks of a given construction project*. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system (abstract). Parr further discloses a schedule is developed to incorporate the following features: overall Master Schedule, outlines, and milestones. Milestones should reflect the owner's expectations; expectations should reflect reality. The schedule reflects the stages of the project process, including for example pre-construction feasibility, design, construction, building, outside influences, infrastructure move-in, close out, and post-construction facility management. Other team members also should be involved for input and verification [0057]; and the schedule that is developed above should be cost loaded for each discipline to provide the appropriate cash flow. Cash flow projections are generated by the completion of the cost loaded schedules and should be compared to financing strategies. Issues identified in the project definition phase should be qualified and costed. The baseline of assumptions used to develop the parametric cost model are then challenged by running "what if" scenarios to incorporate any issues considered critical to final project definition. The owner's decision maker(s) should be presented at a "what if" planning meeting so that real decision-making can occur [0058]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability to customize phases, tasks, and activities of a construction project as taught by Parr in order to get a more accurate schedule since the claimed invention is merely a combination of old elements, and in the combination each element merely would have*

performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Adams et al. in view of christianitytoday.com, in view of Hertzl-Szabadi, in further view of Parr does not explicitly disclose estimating an amount of donations given to the church during a future time period wherein the estimated amount of donations is based at least in part on the estimated future growth in the number of people attending the church services.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Churchgrowthsoftware.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al. in view of Christianitytoday.com, and further in view of Hertzl-Szabadi., in view of Elliot, and still in further view of Churchgrowthsoftware.com does not explicitly disclose wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses a past growth rate of the church and a potential growth rate of the church.

Rifaat discloses expansion of the span of time covered by a study is next considered. The collection of historical data, and their analysis, can be extended backward to cover past conditions starting from the time of initial inceptions of human settlement in the area of study, or even to earlier pristine conditions. This usually provides ‘insights’ that could be ‘used’ in conceiving schemes for future development. Also, the planning horizon may be extended forward in time beyond 20 years. Although prediction tends to be ‘more tenuous’ for ‘longer’ periods of time in the future, the exercise of projecting prevailing trends can be used to ‘highlight’ potential ‘problems’. For example one could project population growth for the next 50 years at a certain prevailing rate, although the rate is not expected to continue that long. This is often done in order to illustrate the potential ‘adverse’ conditions that might materialize

if the particular rate of growth continued ([0050]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability of projecting a potential growth rate by studying growth before implementing a future development as taught by Rifaat in order to make sure it is feasible to start a new project.

17. **As per claim 16,** Adams et al. does not explicitly disclose wherein determining the cost associated with at least one of the facilities comprises:

identifying a size of at least one of the facilities based on the estimated future growth in attendance; and

determining a cost of at least one of the construction projects based on the identified size.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1); a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of *Christianitytoday.com* in order to determine how large a new facility should be built and the funds needed for the construction.

18. **As per claim 18,** Adams et al. discloses the system of Claim 15, wherein: the one or more processors are further collectively operable to:

identify an amount of borrowing needed to pay for the construction projects (col.

2, lines 51-56); and identify an amount of debt to be paid off each year (col. 3, lines 26-36)..

Adams et al. does not explicitly disclose determining the potential revenue associated with at least one of the facilities by identifying potential donations to be received during one or more fund-raising campaign.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

19. As per claim 20, *Adams et al.* discloses the system of Claim 15, wherein the determined potential revenue associated with at least one of the facilities and the determined cost associated with at least one of the facilities are used to estimate a cash flow.

Adams et al. does not explicitly disclose the cash flow is used to generate the schedule.

Hertzel-Szabadi discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life

cycle of the project 105 (paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Hertzel-Szabadi* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

20. **As per claim 21,** *Adams et al.* discloses the system of Claim 15, wherein the determined cost associated with at least one of the facilities comprises at least one of operating costs, general and administrative expenses, construction costs, and staffing costs associated with at least one of the facilities (abstract).

21. **As per claim 22,** *Adams et al.* disclose a system, comprising:

memory operable to store information identifying a plurality of facilities in a complex, each facility associated with a different one of a plurality of construction projects (col. 1, lines 41-44; col. 3, lines 38-57); and an analysis module operable to:

determining a potential revenue associated with at least one of the facilities (col. 1, lines 41-44; col. 3, lines 38-57);

determining a cost associated with at least one of the facilities (col. 3, lines 2-19); and wherein the processor is configured to output the results of the previous steps onto a computer readable medium (col. 4, lines 32-47).

Adams et al. does not expressly disclose wherein the complex comprises a church and at least one of the facilities comprises an auditorium of the church.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1) {Which the Examiner interprets as estimating growth will be at least twice the number of current people attending church services} ; a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be

raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.* to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al., in view of *Christianitytoday.com*, in view of *Hertzel-Szabadi* does not explicitly disclose wherein the schedule comprises a plurality of phases and one or more of the construction projects may be performed in any phase, wherein generating a schedule comprises comprising, for each of the one or more construction projects, receiving from a user an identification of one of the plurality of phases during which the respective construction project is to be performed, would occur.

Parr discloses the system includes a computer system to monitor, track, and indicate progress through each of the *phases*, activities, processes, and *tasks of a given construction project*. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. *The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system (abstract)*. Parr further discloses a schedule is developed to incorporate the following features: overall Master Schedule, outlines, and milestones. Milestones should reflect the owner's expectations; expectations should reflect reality. The schedule reflects the stages of the project process, including for example pre-construction feasibility, design, construction, building, outside influences, infrastructure move-in, close out, and post-construction facility management. Other team members also should be involved for input and verification [0057]; and *the schedule that is developed above should be cost loaded for each discipline to provide the appropriate cash flow. Cash flow projections are generated by the completion of the cost loaded schedules and should be compared*

to financing strategies. Issues identified in the project definition phase should be qualified and costed. The baseline of assumptions used to develop the parametric cost model are then challenged by running "what if" scenarios to incorporate any issues considered critical to final project definition. The owner's decision maker(s) should be presented at a "what if" planning meeting so that real decision-making can occur [0058]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability to customize phases, tasks, and activities of a construction project as taught by Parr in order to get a more accurate schedule since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Adams et al. in view of christianitytoday.com, in view of Hertzel-Szabadi, in further view of Parr does not explicitly disclose estimating an amount of donations given to the church during a future time period wherein the estimated amount of donations is based at least in part on the estimated future growth in the number of people attending the church services.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Churchgrowthsoftware.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al. in view of Christianitytoday.com, and further in view of Hertzel-Szabadi., in view of Elliot, and still in further view of Churchgrowthsoftware.com does not explicitly disclose wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses a past growth rate of the church and a potential growth rate of the church.

Rifaat discloses expansion of the span of time covered by a study is next considered. The collection of historical data, and their analysis, can be extended backward to cover past conditions starting from the time of initial inceptions of human settlement in the area of study, or even to earlier pristine conditions. This usually provides ‘insights’ that could be ‘used’ in conceiving schemes for future development. Also, the planning horizon may be extended forward in time beyond 20 years. Although prediction tends to be ‘more tenuous’ for ‘longer’ periods of time in the future, the exercise of projecting prevailing trends can be used to ‘highlight’ potential ‘problems’. For example one could project population growth for the next 50 years at a certain prevailing rate, although the rate is not expected to continue that long. This is often done in order to illustrate the potential ‘adverse’ conditions that might materialize if the particular rate of growth continued ([0050]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the ability of projecting a potential growth rate by studying growth before implementing a future development as taught by *Rifaat* in order to make sure it is feasible to start a new project.

22. As per claim 24, *Adams et al.* disclose a computer program, the computer program comprising:

computer readable program for identifying a plurality of facilities in a complex, each facility associated with a construction project (col. 1, lines 41-44; col. 3, lines 38-57);

computer readable program code for determining a potential revenue associated with at least one of the facilities (col. 1, lines 41-44; col. 3, lines 38-57);

computer readable program code for determining a cost associated with at least one of the facilities (col. 3, lines 2-19).

Adams et al. is silent about a computer program embodied on a computer readable medium, however, this feature is deemed to be inherent in the *Adams et al.* invention in order to run the STAFI system.

Adams et al. does not expressly disclose wherein the complex comprises a church and at least one of the facilities comprises an auditorium of the church.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1) {Which the Examiner interprets as estimating growth will be at least twice the number of current people attending church services} ; a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). it would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al., in view of Christianitytoday.com, in view of Hertzel-Szabadi does not explicitly disclose wherein the schedule comprises a plurality of phases and one or more of the construction projects may be performed in any phase, wherein generating a schedule comprises comprising, for each of the one or more construction projects, receiving from a user an identification of one of a the plurality of phases during which the respective construction project is to be performed, would occur.

Parr discloses the system includes a computer system to monitor, track, and indicate progress through each of the *phases*, activities, processes, and *tasks of a given construction project*. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. *The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system (abstract)*. *Parr* further discloses a schedule is developed to incorporate the following features: overall

Master Schedule, outlines, and milestones. Milestones should reflect the owner's expectations; expectations should reflect reality. The schedule reflects the stages of the project process, including for example pre-construction feasibility, design, construction, building, outside influences, infrastructure move-in, close out, and post-construction facility management. Other team members also should be involved for input and verification [0057]; and *the schedule that is developed above should be cost loaded for each discipline to provide the appropriate cash flow. Cash flow projections are generated by the completion of the cost loaded schedules and should be compared to financing strategies.* Issues identified in the project definition phase should be qualified and costed. The baseline of assumptions used to develop the parametric cost model are then challenged by running "what if" scenarios to incorporate any issues considered critical to final project definition. The owner's decision maker(s) should be presented at a "what if" planning meeting so that real decision-making can occur [0058]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability to customize phases, tasks, and activities of a construction project as taught by Parr in order to get a more accurate schedule since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Adams et al. in view of christianitytoday.com, in view of Hertzel-Szabadi, in further view of Parr does not explicitly disclose estimating an amount of donations given to the church during a future time period wherein the estimated amount of donations is based at least in part on the estimated future growth in the number of people attending the church services.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of Churchgrowthsoftware.com in order to give reasonable

and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

Adams et al. in view of Christianitytoday.com, and further in view of Hertzel-Szabadi., in view of Elliot, and still in further view of Churchgrowthsoftware.com does not explicitly disclose wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses a past growth rate of the church and a potential growth rate of the church.

Rifaat discloses expansion of the span of time covered by a study is next considered. The collection of historical data, and their analysis, can be extended backward to cover past conditions starting from the time of initial inceptions of human settlement in the area of study, or even to earlier pristine conditions. This usually provides `insights` that could be `used` in conceiving schemes for future development. Also, the planning horizon may be extended forward in time beyond 20 years. Although prediction tends to be `more tenuous` for `longer` periods of time in the future, the exercise of projecting prevailing trends can be used to `highlight` potential `problems`. For example one could project population growth for the next 50 years at a certain prevailing rate, although the rate is not expected to continue that long. This is often done in order to illustrate the potential `adverse` conditions that might materialize if the particular rate of growth continued ([0050]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the ability of projecting a potential growth rate by studying growth before implementing a future development as taught by *Rifaat* in order to make sure it is feasible to start a new project.

23. **As per claim 26,** Adams et al. does not explicitly disclose wherein determining the cost associated with at least one of the facilities comprises:

computer readable program code for identifying a size of at least one of the facilities based on the estimated future growth in attendance; and

computer readable program code for determining a cost of at least one of the construction projects based on the identified size.

Christianitytoday.com discloses a new sanctuary should seat twice the number of people in your current building (Page 1); a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of Christianitytoday.com in order to determine how large a new facility should be built and the funds needed for the construction.

24. **As per claim 28,** Adams et al. discloses the system of Claim 24, wherein the computer program comprises:

computer readable program code for identifying an amount of borrowing needed to pay for the construction projects (col. 2, lines 51-56); and computer readable program code for identifying an amount of debt to be paid off each year (col. 3, lines 26- 36)..

Adams et al. does not explicitly disclose identifying a potential revenue associated with at least one of the facilities by identifying potential donations to be received during one or more fund-raising campaign.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the

invention of Adams et al. to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

25. **As per claim 30,** Adams et al. discloses the computer program of Claim 24, wherein the determined potential revenue associated with at least one of the facilities and the determined cost associated with at least one of the facilities are used to estimate a cash flow.

Adams et al. does not explicitly disclose the cash flow is used to generate the schedule.

Hertzel-Szabadi discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life cycle of the project 105 (paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al. to include the features of *Hertzel-Szabadi* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

26. **As per claim 31,** Adams et al. discloses the computer program of Claim 1, wherein the determined cost associated with at least one of the facilities comprises at least one of operating costs, general and administrative expenses, construction costs, and staffing costs associated with at least one of the facilities (abstract).

27. **As per claim 34,** Adams et al. do not expressly disclose estimating the future growth in the number of people attending the church services comprises: limiting a future growth prediction to no more than a specified percentage during a portion of one or more of the phases; and enforcing a different maximum growth rate for the future growth prediction during other times.

Churchgrowthsoftware.com discloses custom report generation (page 1). *Churchgrowthsoftware.com* further discloses software for calculating overall congregation growth and donation trends (page 17 of manual); and software is licensed by the number of individual names stored in the CGS database (page 3) {which the Examiner interprets as limiting the future growth potential to no more than the number of names that can be stored }. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of *Churchgrowthsoftware.com* in order to give reasonable and reliable quotations based on donations forecasted from growth trend studies and giving analyses performed.

28. **Claims 7, 10, 17, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,154,730), in view of *Christianitytoday.com*, in further view of *Hertzel-Szabadi* (US PG Pub. 2003/0233267), in view of *Parr* (US PG Pub. 2003/0135401), still in further view of *Churchgrowthsoftware.com*, still in further view of *Rifaat* (US PG Pub. 2002/0147623) as applied to claim 7 above, and further in view of *Elliot* (US 6,446,053).

29. **As per claim 7,** Adams et al. discloses the method of claim 1 above, but does not specifically disclose identifying the cost of each phase.

Elliot discloses that the user computer organizes these time estimates according to the proper order in a construction project, for example, framing (Phase 5) must be completed before other phases can commence, however, some of the following phases can commence simultaneously, such as plumbing and framing (col. 10, lines 34-39; TABLE 1); and after Phase 1 is complete, the application guides the user through the next phase, Phase 2: Begin Site Work in 120 and 122 and in Step 1: Excavation, the

application retrieves the square footage of the lot from memory, accesses the regional database, determines average labor rate for excavation subcontractors in that region, determines equipment costs for excavation in that region, and then calculates an estimate for the excavation step, wherein the equipment costs may include rental, fuel, and insurance costs (col. 8, lines 32-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Elliot in order to provide the user with a cost associated with a phase of the construction in order to be certain the funding is available for the next phase.

Adams et al. in view of Elliot does not explicitly disclose wherein the estimated amount of donations is determined based at least in part on completion of each phase.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of Adams et al., in view of Elliot to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

30. As per claim 10, Adams et al. does not disclose receiving alterations of data used from a user to generate the schedule; and showing the user real time how the changes in the altered data affect the schedule.

Elliot discloses that if the user is not satisfied with the cost of the installation, the user can undo the operation and simulate another installation; and if the user is satisfied with the installation, the user computer moves on to the next step, updating and storing the revised graphical model and cost estimate model (col. 6, lines 38-48); and if any feature of the proposal is unsatisfactory, the user can revise the proposal at 126,

wherein the user selects the phases and steps he wishes to edit at 128 and edits the proposal at those points (col. 10, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the ability to revise plans as taught by Elliot in order to provide the user with the ability to make changes to the construction plans.

31. **As per claim 17, Adams et al.** discloses the system of claim 15 above, but does not specifically disclose identifying the cost of each phase.

Elliot discloses that the user computer organizes these time estimates according to the proper order in a construction project, for example, framing (Phase 5) must be completed before other phases can commence, however, some of the following phases can commence simultaneously, such as plumbing and framing (col. 10, lines 34-39; TABLE 1); and after Phase 1 is complete, the application guides the user through the next phase, Phase 2: Begin Site Work in 120 and 122 and in Step 1: Excavation, the application retrieves the square footage of the lot from memory, accesses the regional database, determines average labor rate for excavation subcontractors in that region, determines equipment costs for excavation in that region, and then calculates an estimate for the excavation step, wherein the equipment costs may include rental, fuel, and insurance costs (col. 8, lines 32-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the feature of *Elliot* in order to provide the user with a cost associated with a phase of the construction in order to be certain the funding is available for the next phase..

Adams et al. in view of *Elliot* does not explicitly disclose wherein the estimated amount of donations is determined based at least in part on completion of each phase.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It

would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.*, in view of Elliot to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

32. **As per claim 27**, Adams et al. discloses the method of claim 24 above, but does not specifically disclose identifying the cost of each phase.

Elliot discloses that the user computer organizes these time estimates according to the proper order in a construction project, for example, framing (Phase 5) must be completed before other phases can commence, however, some of the following phases can commence simultaneously, such as plumbing and framing (col. 10, lines 34-39; TABLE 1); and after Phase 1 is complete, the application guides the user through the next phase, Phase 2: Begin Site Work in 120 and 122 and in Step 1: Excavation, the application retrieves the square footage of the lot from memory, accesses the regional database, determines average labor rate for excavation subcontractors in that region, determines equipment costs for excavation in that region, and then calculates an estimate for the excavation step, wherein the equipment costs may include rental, fuel, and insurance costs (col. 8, lines 32-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the feature of Elliot in order to provide the user with a cost associated with a phase of the construction in order to be certain the funding is available for the next phase.

Adams et al. in view of Elliot does not explicitly disclose wherein the estimated amount of donations is determined based at least in part on completion of each phase.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project and bring those recommendations to the finance committee, which then can put together a financial package that takes into account current and projected debt levels, income from fundraising efforts and loan packages, and makes its own recommendation about the church's financial limitations (Page 4). It

would have been obvious to one of ordinary skill in the art at the time the invention was made would have recognized that the results would be predictable when modifying the invention of *Adams et al.*, in view of *Elliot* to include the features of *Christianitytoday.com* in order to give reasonable and reliable construction financing quotes based on forecasted receipts from the growth trend study and giving analysis.

33. **Claims 11, 19, 23 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al.* (US 6,154,730), in view of *Christianitytoday.com*, in further view of *Hertzel-Szabadi* (US PG Pub. 2003/0233267), further in view of *Parr* (US PG Pub. 2003/0135401), still in further view of *Churchgrowthsoftware.com*, still in further view of *Rifaat* (US PG Pub. 2002/0147623) as applied to claims 1, 15, 22, and 24 above, and further in view of *Gordon* (US PG Pub. 2002/0099725); still in further view of *Wakelam* (US 6,859,768).

34. **As per claim 11**, *Adams et al.* do not disclose receiving a constraint on data used to generate the schedule from a user.

Gordon discloses the system 10 may further include at least one interactive module 22 that allows the master customer to fill out a profile, on-line, regarding demographic information, financial constraints, and other personnel preferences, such as overall style preference, color preference and others. Based on the input information, the interactive module provides a list of suitable choices, selections or suggestions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the feature of *Gordon* for the purpose of permitting the user to apply different scenarios to schedules.

Adams et al. in view of *Gordon*, does not specifically disclose and showing the user in real time how at least one change in the altered data and constraint affects the schedule.

Wakelam et al. disclose that the Interview massing element 201 gathers some basic information regarding the project and allows the user to change some high-level parameters of the building design and then controls the assembly hierarchy to produce a full-scale, three-dimensional model of the building, complete with drawings,

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specifications cost estimation, and schedule (col. 13, lines 34-50; FIG. 1-1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of *Wakelam et al.* in order to provide the user to use what-if scenarios to get a variety of estimates for cost and completion dates.

35. **As per claim 19,** Adams et al. do not disclose receiving alterations of data used to generate the schedule from a user.

Gordon discloses the system 10 may further include at least one interactive module 22 that allows the master customer to fill out a profile, on-line, regarding demographic information, financial constraints, and other personnel preferences, such as overall style preference, color preference and others. Based on the input information, the interactive module provides a list of suitable choices, selections or suggestions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of *Gordon* for the purpose of permitting the user to apply different scenarios to schedules.

Adams et al. in view of Gordon, does not specifically disclose and showing the user in real time how the altered data affects the schedule.

Wakelam et al. disclose that the Interview massing element 201 gathers some basic information regarding the project and allows the user to change some high-level parameters of the building design and then controls the assembly hierarchy to produce a full-scale, three-dimensional model of the building, complete with drawings, specifications cost estimation, and schedule (col. 13, lines 34-50; FIG. 1-1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of *Wakelam et al.* in order to provide the user to use what-if scenarios to get a variety of estimates for cost and completion dates.

36. **As per claim 23,** Adams et al. do not disclose a constraints module operable to receive a constraint on data used to generate the schedule from a user.

Gordon discloses the system 10 may further include at least one interactive module 22 that allows the master customer to fill out a profile, on-line, regarding demographic information, financial constraints, and other personnel preferences, such as overall style preference, color preference and others. Based on the input information, the interactive module provides a list of suitable choices, selections or suggestions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of *Gordon* for the purpose of permitting the user to apply different scenarios to schedules.

Adams et al. in view of *Gordon*, does not specifically disclose an optimization module operable to show the user in real time how the constraint affects the schedule.

Wakelam et al. disclose that the Interview massing element 201 gathers some basic information regarding the project and allows the user to change some high-level parameters of the building design and then controls the assembly hierarchy to produce a full-scale, three-dimensional model of the building, complete with drawings, specifications cost estimation, and schedule (col. 13, lines 34-50; FIG. 1-1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of *Wakelam* et al. in order to provide the user to use what-if scenarios to get a variety of estimates for cost and completion dates.

37. **As per claim 29,** Adams et al. do not disclose receiving alterations of data used to generate the schedule from a user.

Gordon discloses the system 10 may further include at least one interactive module 22 that allows the master customer to fill out a profile, on-line, regarding demographic information, financial constraints, and other personnel preferences, such as overall style preference, color preference and others. Based on the input information, the interactive module provides a list of suitable choices, selections or suggestions. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the invention of Adams et al. to include the feature of Gordon for the purpose of permitting the user to apply different scenarios to schedules.

Adams et al. in view of Gordon, does not specifically disclose and showing the user in real time how at least one change in the altered data and constraint affects the schedule.

Wakelam et al. disclose that the Interview massing element 201 gathers some basic information regarding the project and allows the user to change some high-level parameters of the building design and then controls the assembly hierarchy to produce a full-scale, three-dimensional model of the building, complete with drawings, specifications cost estimation, and schedule (col. 13, lines 34-50; FIG. 1-1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of *Wakelam et al.* in order to provide the user to use what-if scenarios to get a variety of estimates for cost and completion dates.

38. Claims 12, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,154,730), in view of Christianitytoday.com, in further view of Hertzel-Szabadi (US PG Pub. 2003/0233267), further in view of Parr (US PG Pub. 2003/0135401), still in further view of Churchgrowthsoftware.com, still in further view of Rifaat (US PG Pub. 2002/0147623), as applied to claims 1, 15, 22 and 24 above, and still in further view of "How Much Can They Give."

39. As per claim 12, *Adams et al.* does not disclose the estimated amount of donations is determined using a factor defining, a rate at which one of a plurality of newer members of the church generally donate compared to the rate of one of a plurality of older members of the church.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the

feature of *Churchgrowthsoftware.com* in order to give reasonable and reliable quotations based on donations forecasted from growth trend studies and giving analyses performed.

Adams et al. in view of Churchgrowthsoftware.com does not specifically disclose defining a rate at which the newer members of the church generally donate compared to older members of the church.

"How much Can They Give" discloses churches with older members often raise more funds for a special project because seniors have disposable income (page 2, 3rd ¶). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of "*How Much Can They Give*" in order to provide and analysis of giving trends amongst members for feasibility studies.

40. **As per claim 32,** *Adams et al.* does not disclose the estimated amount of donations is determined using a factor defining, a rate at which one of a plurality of newer members of the church generally donate compared to the rate of one of a plurality of older members of the church.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the feature of *Churchgrowthsoftware.com* in order to give reasonable and reliable quotations based on donations forecasted from growth trend studies and giving analyses performed.

Adams et al. in view of Churchgrowthsoftware.com does not specifically disclose defining a rate at which the newer members of the church generally donate compared to older members of the church.

"How much Can They Give" discloses churches with older members often raise more funds for a special project because seniors have disposable income (page 2, 3rd ¶). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of *Adams et al.* to include the features of "*How Much*

Can They Give" in order to provide and analysis of giving trends amongst members for feasibility studies.

41. **As per claim 33, Adams et al.** does not disclose the estimated amount of donations is determined using a factor defining, a rate at which one of a plurality of newer members of the church generally donate compared to the rate of one of a plurality of older members of the church.

Churchgrowthsoftware.com. discloses software for calculating overall congregation growth and donation trends (page 17 of manual). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of *Churchgrowthsoftware.com* in order to give reasonable and reliable quotations based on donations forecasted from growth trend studies and giving analyses performed.

Adams et al. in view of Churchgrowthsoftware.com does not specifically disclose defining a rate at which the newer members of the church generally donate compared to older members of the church.

"*How much Can They Give*" discloses churches with older members often raise more funds for a special project because seniors have disposable income (page 2, 3rd ¶). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the features of "How Much Can They Give" in order to provide and analysis of giving trends amongst members for feasibility studies.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Kefford et al. (US PG Pub. 2008/0004844), which discloses a method and system for estimating project costs.

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./

Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628